

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	3:14-cr-00015-RLY-CMM
vs.	)	
	)	
KURTIS M. BLACK,	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On July 18, 2019, the Court held an initial/final hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on March 26, 2019. Kurtis M. Black ("Defendant") appeared in person with FCD counsel, Dominic Martin. The government appeared by Kyle Sawa, Assistant United States Attorney. U. S. Probation appeared by Officer Jennifer Considine.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The Court advised Defendant of him rights and provided him with a copy of the petition.

2. The parties advised the Court of an agreement by which the Defendant would admit to Violation Nos. 1 and 2. The parties agreed to a proposed disposition of eighteen (18) month, with no supervised release to follow.

3. After being placed under oath, Defendant admitted Violation Nos. 1 and 2.  
[Docket No. 87.]

4. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 1 "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."

On March 20, 2019, Kurtis Black submitted urinalyses that tested positive for cocaine. Mr. Black admitted to cocaine use.

As previously report to the Court, on November 27, 2018, December 12, 2018, January 3, 3019, and January 23, 2019, Mr. Black submitted urinalyses that tested positive for Cocaine. Mr. Black admitted to cocaine use on all those screens.

- 2 "The defendant shall participate in a substance abuse treatment program at the direction of the probation officer, which may include no more than eight drug tests per month. The defendant shall abstain from the use of all intoxicants, including alcohol, while participating in a substance abuse treatment program. The defendant is responsible for paying a portion of the fees of substance abuse testing and/or treatment in accordance with his ability to pay."

Kurtis Black failed to appear for random urinalysis drug screening on March 18 and 21, 2019.

As previously report to the Court, Mr. Black failed to report to urinalysis drug screens on the following dates: June 12, 2018, November 20, 2018, and November 23, 2018.

5. The parties stipulated that:

- (a) The highest grade of violation is a Grade **B** violation.
- (b) Defendant's criminal history category is **VI**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **21 to 27** months imprisonment.

6. The Parties agreed upon a disposition of eighteen (18) months with no supervision to follow.

7. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

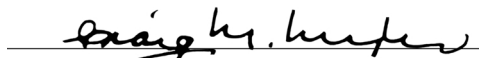
- (a) The Defendant violated conditions of supervised release;
- (b) The agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge;
- (c) The Magistrate Judge recommends that the defendant be sentenced to a term of incarceration for **eighteen (18) months with no supervision to follow**. The Magistrate Judge further recommends that defendant be placed at FCI Ashland, KY.

In making this recommendation, the Magistrate Judge considered the following factors:

- a) The defendant acknowledged responsibility for his acts and will seek substance abuse treatment and counseling if assigned to an appropriate facility;
- b) The proposed agreed resolution, even with a sentence less than the range identified in the Guidelines, is appropriate and just under the circumstances.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have a 14-day right to appeal this recommendation on the record.

Dated: July 19, 2019

  
CRAIG M. McKEE, Magistrate Judge  
United States District Court  
Southern District of Indiana

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